

Remarks**A. Amendments**

Claims 1-14 are pending in this application. Applicant elects to continue the prosecution of claims 4 and 10-14 pursuant to the examiner's restriction requirement. Claims 1-3 and 5-9 are hereby cancelled without prejudice to pursuing these claims in a continuing application. Claims 10 and 13 are amended. Upon entry of these amendments, claims 4 and 10-14 are under active consideration. Applicant respectfully requests entry of the amendments and remarks made herein into the file history of the present application.

Claims 10 and 13 are amended to show proper dependency following cancellation of claims 5-9.

Claims 12 and 14 are amended to correct typographical errors.

New claims 15, 16 and 18 are supported by paragraphs 52 and 54.

New claim 17 is supported by Examples 1-3.

New claim 19 is supported by paragraph 50.

B. Election

At page 2 of the Office Action, the Examiner requires restriction to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-3, drawn to a pharmaceutical product comprising cis-clomiphene and trans-clomiphene.
- II. Claims 4-14, drawn to a process of using said composition.

If Group II is elected, the Examiner requires further restriction to one of the following:

- II(a) Claims 4 and 10-14, drawn to a process of treating wasting in a mammal.
- II(b) Claims 5 and 10-14, drawn to a process of modulating muscle mass in a mammal.
- II(c) Claims 6 and 10-14, drawn to a process of modulating cholesterol levels in a mammal.
- II(d) Claims 7 and 10-14, drawn to a process of treating lypodystrophy in a mammal.

II(e) Claims 8-14, drawn to a process of modulating lymphocyte levels in a mammal.

Applicant elects without traverse Group II, claims 4-14, drawn to a process of using a pharmaceutical product comprising cis-clomiphene and trans-clomiphene. Applicant also elects without traverse Group II(a), claims 4 and 10-14, drawn to a process of treating wasting in a mammal.

Conclusion

In view of the above amendments and remarks, Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

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